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**PATENT APPLICATION FEE DETERMINATION RECORD**

Substitute for Form PTO-875

Application or Docket Number

10639928

**CLAIMS AS FILED - PART I**

(Column 1)

(Column 2)

**SMALL ENTITY**

OR

**OTHER THAN  
SMALL ENTITY**

FOR	NUMBER FILED	NUMBER EXTRA
BASIC FEE (37 CFR 1.16(a))		
TOTAL CLAIMS (37 CFR 1.16(c))	28 minus 20 =	8
INDEPENDENT CLAIMS (37 CFR 1.16(b))	2 minus 3 =	
MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(d))		

RATE	FEE
	\$
X \$	
X \$	
+ \$	
TOTAL	

RATE	FEE
	\$
X \$ 18 =	144.00
X \$	
+ \$	
TOTAL	894.00

\* If the difference in column 1 is less than zero, enter "0" in column 2.

amdt filed

**CLAIMS AS AMENDED - PART II**

4-27-05

(Column 1)

(Column 2)

(Column 3)

**SMALL ENTITY**

OR

**OTHER THAN  
SMALL ENTITY**

AMENDMENT A		CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA
	Total (37 CFR 1.16(c))	*	29	Minus	28
Independent (37 CFR 1.16(b))	*	3	Minus	3	=
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(d))					

RATE	ADDI- TIONAL FEE
X \$ 25 =	
X \$ 100 =	
+ \$ 180 =	
TOTAL ADD'L FEE	

RATE	ADDI- TIONAL FEE
X \$ 30 =	50.00
X \$ 200 =	
+ \$ 360 =	
TOTAL ADD'L FEE	50.00

AMENDMENT B		CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA
	Total (37 CFR 1.16(c))	*		Minus	**
Independent (37 CFR 1.16(b))	*		Minus	***	=
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(d))					

RATE	ADDI- TIONAL FEE
X \$	
X \$	
+ \$	
TOTAL ADD'L FEE	

RATE	ADDI- TIONAL FEE
X \$	
X \$	
+ \$	
TOTAL ADD'L FEE	

AMENDMENT C		CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA
	Total (37 CFR 1.16(c))	*		Minus	**
Independent (37 CFR 1.16(b))	*		Minus	***	=
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(d))					

RATE	ADDI- TIONAL FEE
X \$	
X \$	
+ \$	
TOTAL ADD'L FEE	

RATE	ADDI- TIONAL FEE
X \$	
X \$	
+ \$	
TOTAL ADD'L FEE	

\* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.

\*\* If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20".

\*\*\* If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3".

The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.

This collection of information is required by 37 CFR 1.16. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

APR 27 2005

## PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Ralph M. Terrazas	Examiner:	Madeline Gonzalez
Serial No.	10/639,928	Group Art Unit:	2859
Filed:	August 12, 2003	Docket No.	59552-010400
Title:	BRUSHFIRE RATE OF SPREAD TOOL		

## CERTIFICATE UNDER 37 CFR 1.4(d)

I hereby certify that this correspondence and identified enclosures are being transmitted via facsimile only to Examiner Madeline Gonzalez, Art Unit 2859, Facsimile No. (703) 872-9306 on April 27, 2005.

  
Name: Shauna CoylAMENDMENT AND RESPONSE TO OFFICE ACTION

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Madam:

In response to the Non-Final Office action of February 7, 2005, please amend the above-identified application as follows:

Amendments to the Claim begin on page 2 of this paper.

Response to Examiner's rejections and Remarks/Arguments begin on page 6 of this paper.

LA-FS103205040259952.010400

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05/10/2005 DESPILLS 00000004 502638 10639928

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Appl. No. 10/639,928  
Amdt. dated April 27, 2005  
Reply to Office action of February 7, 2005

Docket No. 59552-010400

parentable significance, the Board held in this case the shape is important because it results in a product which is distinct from the reference product."

Therefore, the triangular shape is not merely aesthetic or ornamental and cannot be considered obvious in light of Gamivet.

#### REMARKS

No fee is believed to be due with this Response and Amendment. However, if Applicant is mistaken, authorization is hereby given to charge any additional fees or credit overpayment to Deposit Account No. 50-2638. Please reference Attorney Docket Number 59552-010400 when charging any payments or credits in connection with this application. If the Examiner has any questions, Applicant requests that the Examiner contact Applicant's undersigned attorney at (310) 586-7770.

Respectfully submitted,

GREENBERG TRAURIG, LLP

Date: April 27, 2005

By E. Nair Flores  
E. Nair Flores  
Reg. No. 54,103

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